

BIG HORN COUNTY
LOCAL GOVERNMENT STUDY COMMISSION
DRAWER H
HARDIN, MT 59034

MARCH 10, 1986

Dear Citizen of Big Horn County:


On June 4, 1984, the citizens of Big Horn County voted to establish a study commission to review the governmental system of Big Horn County. The Big Horn County Local Government Study Commission was established as a result. The purpose of the study commission, as defined by state law, is "to study the existing form and powers of [county] government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." Upon completion of its review it is the responsibility of the study commission to submit to the citizens of Big Horn County a Final Report setting forth the recommendations of the study commission. The Final Report may recommend either no change, propose amendments to the existing form of government, or propose an alternative form of government.

The following tentative findings and conclusions of the study commission are based on information derived from sources of broad diversity. Throughout the process of governmental review the study commission has solicited advice and recommendations from local governmental officials, community organizations and citizens, as well as legal and other professional personnel. The study commission held hearings at various locations throughout the county and held regular meetings at which public attendance and participation was encouraged. The recommendations which follow reflect the thought and advice received to date as well as the information derived from independent efforts of the study commission.

This report presents our recommendations for certain specific amendments of the existing form of government which provide for a more representative and responsive government. Our concern has been to propose recommendations which both recognize the positive features of the existing form and which also improve its level of performance. We feel that you, the citizen of Big Horn County, can achieve these goals by retaining the existing form of government and adopting an amended form of election of county governmental officials. We recommend that in the future all such elections be conducted in a non-partisan basis and that county commissioners be nominated from and elected by the citizens residing within districts within the county.

You, the citizen of Big Horn County, will have the opportunity to address our conclusions and recommendations during the public hearings which will be conducted in April, 1986. The question of adopting our recommendations will be placed upon the ballot at the general election to be held November 4, 1986.

Respectfully submitted,


E.W. MacClean, Chairman


Sam Denny, Member


Gene Peabody, Member

I. SUMMARY OF RECOMMENDATIONS.

A. INTRODUCTION:

The Big Horn County Local Governmental Study Commission has thoroughly studied both our present form of county government and the alternative forms of government available under state law. Throughout our course of study we have attempted to identify problem areas within our existing governmental system which clearly require structural change. We are indebted to our elected officials and citizens who by the expression of their concerns have assisted in this crucial phase of the review process.

Development and consideration of alternative solutions to identifiable weaknesses within our governmental system constituted the final phase of the review process. Our concern in this regard has been to retain the positive features of our current governmental form while proposing changes which will result in identifiable and beneficial effect for all citizens of Big Horn County.

B. FINDINGS AND CONCLUSIONS:

The governmental review process involves a study of the function of county government. The initial phase of review is designed to assess the ability of county government to provide basic governmental services and supervise its officers and personnel to ensure efficient operation. The next step involves comparison of the existing form of government with optional alternative forms of government available under state law. This step is designed to assess the necessity of reorganization of county government to promote efficient responsiveness to the needs of the citizens of the county. Reorganization can be as simple as amending the existing form of government or as complex as adoption of an entirely new form of government with expanded governmental authority.

The initial phase included a review of the basic nature of the governmental system of Big Horn County. Of the fifty-six counties in Montana, fifty-three, including Big Horn County, are governed under the Commission form of government. The Commission form of government is endowed with "general powers" which are limited by the Montana Constitution to those "legislative, administrative, and other powers provided or implied by law." This form of government, as existent in Big Horn County, consists of a governing body called the Board of County Commissioners composed of three members, and ten other public officers. Montana constitutional and statutory law also requires that each county have an additional public officer known as the Justice of the Peace. With the exception of the Justice of the Peace, all public officers are elected in partisan elections. State law requires a non-partisan election for the office of the Justice of the Peace.

The basic consideration of the study commission has been how best to achieve the most efficient and responsible allocation of scarce resources to provide local governmental services to all citizens of Big Horn County. Preservation or expansion of the range of governmental services currently provided is dependent upon the realization of this goal. It has become increasingly clear that the ability of county government to achieve efficiency is directly related to its ability to accurately and rationally assess the

needs and resources of the county. The Board of County Commissioners by virtue of its supervisory power and ultimate authority over the county budgeting process, has direct responsibility for the provision of governmental services authorized by law. County Commissioners make the decisions which allocate available resources to meet the needs of the county. The elected public officials share responsibility by virtue of the quality and quantity of information they provide upon which the decisions of the Board of County Commissioners are based. The intrinsic difficulty of the budgeting process is magnified by the diversity of interests, cultures, and governmental agencies present in Big Horn County. Governmental efficiency is dependent upon the cooperation and ability of our public officials which dictates the level of representation of all interests present in Big Horn County in the decision making process.

All county public officials face the important responsibility of contributing to the realization of more efficient responsible government. The study commission has concluded that it is in the best interest of the citizens of Big Horn County to retain the direct accountability of their public servants afforded by the elective process. We have also concluded that the existing form and powers of county government, with certain specific amendments to its elective process, will enable our public officials to meet all current and future needs of Big Horn County. It is our conclusion that the elective process should emphasize the qualifications and potential of candidates to fulfill the requirements of office rather than the inherently divisive nature of partisan politics. We believe that conducting the elective process on a non-partisan basis will result in increasing the potential for election of public officials on the basis of merit. The study commission has also concluded that the means of selection of the membership of the Board of County Commissioners requires alteration to enhance the potential for responsive representative government. We believe that all citizens of Big Horn County will benefit from increased availability of diverse knowledge and experience which will result from electing our county commissioners from apportioned districts. Election of county commissioners solely by district residents enhances the direct accountability of each county commissioner and thereby ensures better representation of all interests in the decision making process.

C. RECOMMENDATIONS:

The Big Horn County Local Government Study Commission tentatively recommends the following:

1. The membership of the board of county commissioners should be nominated from and elected solely by the residents of districts which are apportioned by population.

2. The election of county public officials should be conducted on a non-partisan basis.

The study commission will be conducting public hearings during the month of April, 1986, to obtain additional public input. A final report summarizing the final recommendations of the study commission will be issued prior to the general election to be held November 4, 1986. The citizens of Big Horn County will vote on the final recommendations of the study commission at the general election.

II. COMPARISON OF EXISTING FORM OF GOVERNMENT AND PROPOSED AMENDED FORM OF GOVERNMENT.

A. EXISTING FORM OF GOVERNMENT:

Big Horn County has been governed under the Commission form of government since creation of the county in 1913. The Commission form of government utilized in Big Horn County consists of a Board of County Commissioners plus ten separate departments which include:

- Assessor,
- Clerk and Recorder,
- Clerk of District Court,
- Coroner,
- Legal Officer (County Attorney),
- Law Enforcement Officer (Sheriff),
- Public Administrator,
- Superintendent of Schools,
- Surveyor,
- Treasurer.

The Board of County Commissioners is composed of three members. County Commissioners are nominated from districts in which they are required to have resided for two years. (See Exhibit One which depicts current "nominating districts"). However, their election is "at large" or by all registered voters in the county. County Commissioners are elected to overlapping six year terms with the term of one commissioner expiring every two years.

Each of the ten separate governmental departments is administered by a public official elected to a four year term of office. Elections for commissioners and elected public officials are conducted on a partisan basis.

County government is involved in the provision and administration of a variety of governmental services. Such services include:

- Agricultural and Rural Services (such as weed, insect, rodent, and predator control, rural fire protection, and Cooperative Extension services),
- Elections,
- Financial Administration,
- Parks,
- Planning and Development,
- Public Safety and Judicial Services (such as law enforcement),
- Recreation,
- Record Keeping,
- Social Services (such as welfare, health, hospitals, nursing homes, and ambulance services),
- Road and Bridge Construction and Maintenance.

The Board of County Commissioners is responsible for supervision of the provision or administration of services whether by individual departments or by separate boards or commissions. The Board also has such responsibilities as approving the county budget, levying taxes, issuing bonds, entering into agreements and contracts, reviewing claims, and buying, selling, or leasing county property.

B. PROPOSED AMENDED FORM OF GOVERNMENT:

Operation of county government has direct and frequent implications for all citizens of Big Horn County. The ability of county government to identify and respond to the needs of the citizenry is dependent upon adequate representation of all the interests present in the county. Big Horn County has several governmental entities, an extensive rural population, and several urban areas (both incorporated and unincorporated). Enhanced representation of each and every citizen is crucial for rational decision making which avoids duplication of services and ensures governmental response to genuine needs.

The proposed amended governmental form retains the feature of direct accountability of each governmental officer provided by the elective process. It is the right and responsibility of each citizen to elect the public officials responsible for administration of county government. Public officials are held accountable for the manner in which the interests of their constituency have been represented by the requirement of periodic election.

The importance of the elective process requires an elective system which maximizes the effectiveness and importance of each vote cast. The amended governmental form differs from the existing form in one respect in that county commissioners will be both nominated **and** elected by district. (See Exhibit Two which depicts proposed districts). Election solely by registered voters residing in a district rather than by the county as a whole enhances the potential for election of a commissioner representative of the interests present in the district. The requirement of a majority vote for the exercise of the authority of the Board of County Commissioners ensures cognizance of and responsiveness to the needs present in other districts as well. The requirement of a majority vote combined with election by district emphasizes better representation of interests and necessitates cooperative effort within the Board of County Commissioners.

The amended governmental form also differs from the existing form in that election for all county public officials will be conducted on a non-partisan basis. Conducting elections in such a manner avoids the inherent divisiveness of partisan politics and enhances the potential for election upon qualification and merit.

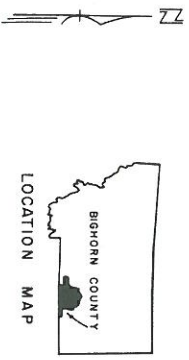
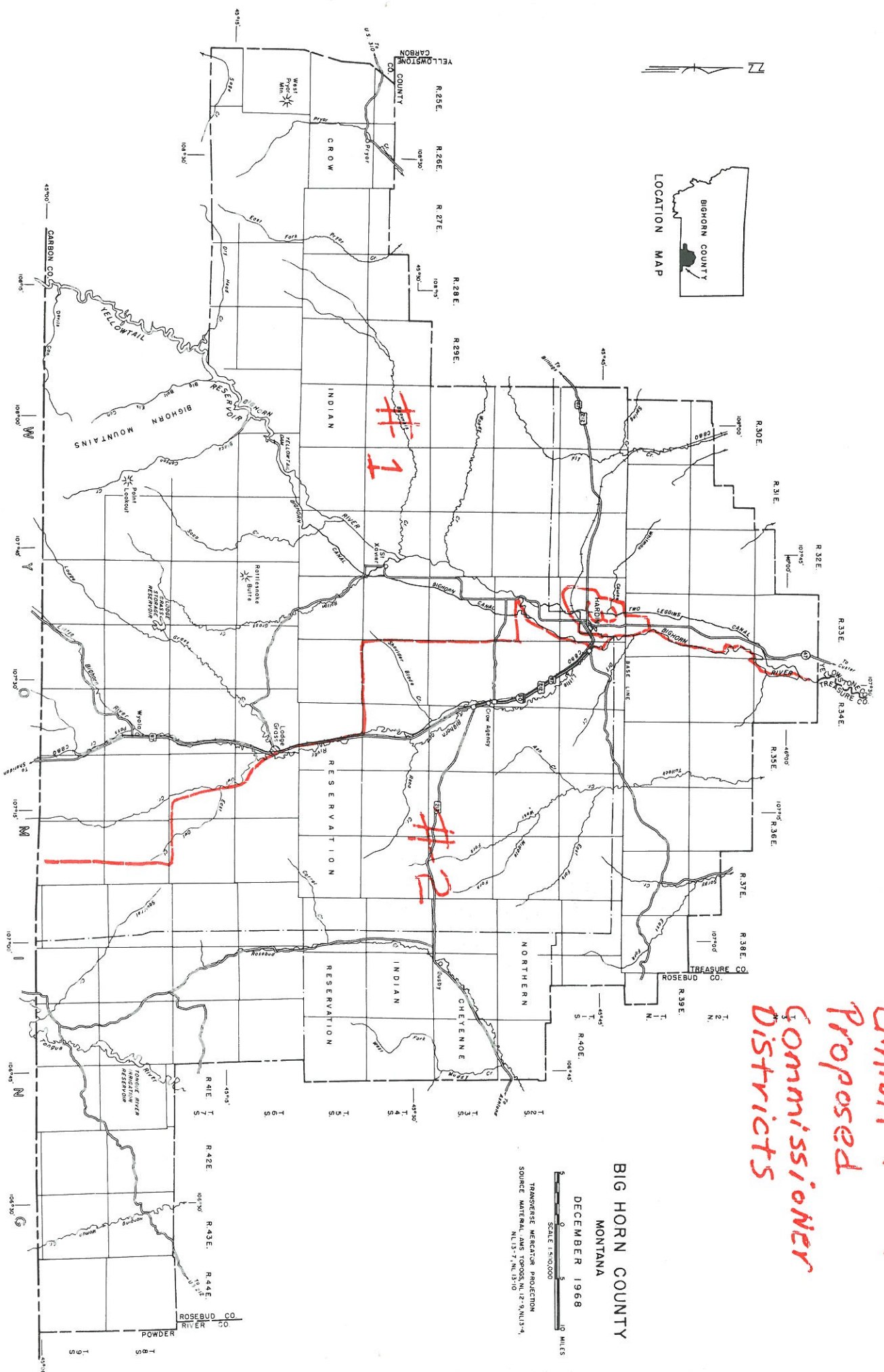


Exhibit Two:
 Proposed
 Commissioner
 Districts

BIG HORN COUNTY
 MONTANA
 DECEMBER 1968
 SCALE 1:500,000
 TRANSVERSE MERCATOR PROJECTION
 SOURCE MATERIAL: U.S. TOPOGRAPHIC MAPS
 N.L. 13-7, N.L. 13-10

**CERTIFICATE
FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS**

Districts described below by census division (C.C.D.) and enumeration districts (E.D.) with population and deviation from ideal shown.

DISTRICT 1:

Crow Reservation C.C.D. including:

Enumerator Districts: 3031 through 3037 inclusive, 3041 through 3045 inclusive, and the western portion of 3046 from its point of bisection by the boundary between legislative districts 99 and 100;

Block Numbering Areas: 9902 (Lodge Grass), 9904 (Wyola);

Hardin C.C.D. including:

Enumerator Districts: The northern portion of 3027A from its point of bisection by the boundary between elementary school districts 16 and 17H, 3028 and 3029.

POPULATION: 3732

DEVIATION: +.9%

DISTRICT 2:

Crow Reservation C.C.D. including:

Enumerator Districts: 3030 A and B, 3038, 3039, 3040 and the eastern portion of 3046 from its point of bisection by the boundary between legislative districts 99 and 100;

Block Numbering Area: 9903 (Crow Agency);

Hardin C.C.D. including:

Enumerator Districts: 3025 and 3026;

Tongue River C.C.D. including:

Enumerator Districts: 3051 and 3052;

Northern Cheyenne C.C.D. including:

Enumerator Districts: 3047 through 3050 inclusive.

POPULATION: 3683

DEVIATION: -.4%

DISTRICT 3:

Hardin C.C.D. including:

Enumerator Districts: The southern portion of 3027A from its point of bisection by the boundary between elementary school districts 16 and 17H;

Block Numbering Area: 9901 (Hardin).

POPULATION: 3681

DEVIATION: -.5%

WE, the Study Commission of Big Horn County do hereby certify that this is the Official Apportionment Plan for commissioner districts approved by the Study Commission of Big Horn County.

In testimony whereof, we set our hands.

DONE at Hardin, Montana, this 10 day of March, 1986.

(S E A L)

E.W. MacClean
E.W. MacClean, Chairman

Sam Denny
Sam Denny, Member

Gene A. Peabody
Gene Peabody, Member

ATTEST:

Joyce Lippert
Joyce Lippert, Clerk and Recorder

**CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR
BIG HORN COUNTY**

Upon approval of the majority of voters the government of Big Horn County shall be organized under the following provisions of Section 7-3-111, M.C.A.

7-3-111. Statutory basis for elected county official government.

(1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(2)
- (d) 7-3-413(1) or (2);
- (e) 7-3-414(1)
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(1);
- (p) 7-3-438(1);
- (q) 7-3-439(1);
- (r) 7-3-440(1);
- (s) 7-3-441(1);
- (t) 7-3-442(6).

(2) This form has term of 4 years for all elected officials except commissioners who are elected to 6 year terms. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. **Nature of government.** Local governments that adopt this form shall have general government powers.

7-3-412(2). **Selection of commission members.** The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-413. **Type of election.** Local government elections shall be conducted on a (1) partisan basis or (2) nonpartisan basis.

7-3-414(1). **Chairman of commission.** The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415(2). **Administrative assistants.** The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416(2). **Terms of commission members.** Commission members shall be elected for overlapping terms of office.

7-3-417(2). **Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and community councils to advise commissioners may be authorized by ordinance.

7-3-418. **Terms of elected officials.** The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432(1). **Legal officer.** A legal officer (who may be called the county attorney) shall be elected.

7-3-433(1). **Law enforcement officer.** A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434(1). **Clerk and recorder.** A clerk and recorder shall be elected.

7-3-435(1). **Clerk of district court.** A clerk of district court shall be elected.

7-3-436(1). **Treasurer.** A treasurer shall be elected.

7-3-437(1). **Surveyor.** A surveyor shall be elected.

7-3-438(6). **Superintendent of schools.** A superintendent of schools shall be elected.

7-3-439(1). **Assessor.** An assessor shall be elected.

7-3-440(1). **Coroner.** A coroner shall be elected.

7-3-441(1). **Public Administrator.** A public administrator shall be elected.

7-3-442(2). **Auditor.** An auditor shall not be included in this form as a separate office.

7-3-111(2). This form has terms of 4 years for all elected officials except commissioners who are elected to 6 year terms. The commission consists of three members.

WE, the Study Commissioners of Big Horn County, Montana, do hereby certify that this is the existing Plan of Government as established by Section 7-3-111, M.C.A.

In testimony whereof, we set our hands.

(S E A L)

DONE at Hardin, Montana, this 10
day of MARCH, 1986.

E.W. MacClean
E.W. MacClean, Chairman

Sam Denny
Sam Denny, Member

Gene A. Peabody
Gene Peabody, Member

ATTEST:

Joyce Lippert
Joyce Lippert, Clerk and Recorder

**CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR
BIG HORN COUNTY**

If retained by the voters the government of Big Horn County shall be organized under the following provisions of Section 7-3-111, M.C.A. which authorizes the elected county official form of government.

7-3-111. Statutory basis for elected county official government.

(1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3)
- (d) 7-3-413(1);
- (e) 7-3-414(1)
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(1);
- (p) 7-3-438(1);
- (q) 7-3-439(1);
- (r) 7-3-440(1);
- (s) 7-3-441(1);
- (t) 7-3-442(6).

(2) This form has term of 4 years for all elected officials except commissioners who are elected to 6 year terms. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. **Nature of government.** Local governments that adopt this form shall have general government powers.

7-3-412(3). **Selection of commission members.** The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-413(1). **Type of election.** Local government elections shall be conducted on a partisan basis.

7-3-414(1). **Chairman of commission.** The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415(2). **Administrative assistants.** The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416(2). **Terms of commission members.** Commission members shall be elected for overlapping terms of office.

7-3-417(2). **Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and community councils to advise commissioners may be authorized by ordinance.

7-3-418. **Terms of elected officials.** The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432(1). **Legal officer.** A legal officer (who may be called the county attorney) shall be elected.

7-3-433(1). **Law enforcement officer.** A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434(1). **Clerk and recorder.** A clerk and recorder shall be elected.

7-3-435(1). **Clerk of district court.** A clerk of district court shall be elected.

7-3-436(1). **Treasurer.** A treasurer shall be elected.

7-3-437(1). **Surveyor.** A surveyor shall be elected.

7-3-438(1). **Superintendent of schools.** A superintendent of school shall be elected.

7-3-439(1). Assessor. An assessor shall be elected.

7-3-440(1). Coroner. A coroner shall be elected.

7-3-441(1). Public Administrator. A public administrator shall be elected.

7-3-442(2). Auditor. An auditor shall not be included in this form as a separate office.

7-3-111(2). This form has terms of 4 years for all elected officials except commissioners who are elected to 6 year terms. The commission consists of three members.

WE, the Study Commissioners of Big Horn County, Montana, do hereby certify that this is the Proposed Plan of Government as established by Section 7-3-111, M.C.A.

In testimony whereof, we set our hands.

(S E A L)

DONE at Hardin, Montana, this 10
day of March, 1986.

E.W. MacClean
E.W. MacClean, Chairman

Sam Denny
Sam Denny, Member

Gene Peabody
Gene Peabody, Member

ATTEST:

Joyce Lippert
Joyce Lippert, Clerk and Recorder

CERTIFICATE
ESTABLISHING THE DATE OF THE
SPECIAL ELECTION AT WHICH THE
AMENDMENT TO THE EXISTING FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS
OF BIG HORN COUNTY, MONTANA

The amendment to the existing form of government proposed by the Local Government Study Commission shall be submitted to the voters of Big Horn County at a special election to be held with the general election on November 4, 1986.

WE, the Study Commission of Big Horn County do hereby certify that this is the date of the special election approved by the Study Commission of Big Horn County.

In testimony whereof, we set our hands.

DONE at Hardin, Montana, this 10
day of March, 1986.

(S E A L)

E. W. MacClean
E.W. MacClean, Chairman

Sam Denny
Sam Denny, Member

Gene A. Peabody
Gene Peabody, Member

ATTEST:

Joyce Lippert
Joyce Lippert, Clerk and Recorder

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT
FOR THE NOVEMBER 4, 1986, SPECIAL ELECTION

Instructions to voters: Place an "X" in the boxes which express your preferences.

OFFICIAL BALLOT

BALLOT ON AMENDMENT TO THE EXISTING
FORM OF GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the question, the sub-option also fails. If the proposed form is adopted, the sub-option requires only a plurality of votes cast on the sub-option for adoption.

PLEASE VOTE ON BOTH ISSUES

1.

Vote for one.

For adoption of the amendment to the existing form of government proposed in the report of the Big Horn County Local Government Study Commission.

For the existing form of government.

2.

Vote for one.

Sub-option to be included in the new form of government, if it is adopted.

Local government elections:

Shall be conducted on a non-partisan basis.

Shall be conducted on a partisan basis.

WE, the Study Commission of Big Horn County do hereby certify that this is the date of the special election approved by the Study Commission of Big Horn County.

In testimony whereof, we set our hands.

DONE at Hardin, Montana, this 10
day of March, 1986.

(S E A L)

E.W. MacClean
E.W. MacClean, Chairman

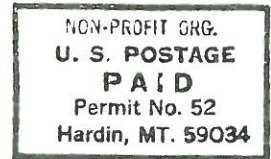
Sam Denny
Sam Denny, Member

Gene A. Peabody
Gene Peabody, Member

ATTEST:

Joyce Lippert
Joyce Lippert, Clerk and Recorder

BIG HORN COUNTY
LOCAL GOVERNMENT STUDY COMMISSION
DRAWER H
HARDIN, MT 59034



POSTAL PATRON